

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JANE DOE, *individually and on  
behalf of all other similarly situated  
consumers,*

*Plaintiff,*

v.

LEHIGH VALLEY HEALTH  
NETWORK, INC.,

*Defendant.*

Case No. 3:23-cv-00585-MEM

Honorable Malachy E Mannion

---

**DEFENDANT LEHIGH VALLEY HEALTH NETWORK, INC.’S  
MOTION TO DISMISS PLAINTIFF’S COMPLAINT**

---

In accordance with Federal Rule of Civil Procedure 12(b)(6), Defendant Lehigh Valley Health Network, Inc. (“LVHN”) hereby moves the Court to dismiss Plaintiff’s Complaint for failure to state a claim upon which relief can be granted. This Motion is supported by a brief filed contemporaneously herewith.

Dated: May 5, 2023

/s/ Phyllis B. Sumner

Phyllis B. Sumner (admitted *pro hac vice*)

Elizabeth D. Adler (admitted *pro hac vice*)

James M. Brigman (admitted *pro hac vice*)

**KING & SPALDING LLP**

1180 Peachtree Street, NE, Suite 1600

Atlanta, GA 30309

(404) 572-4600

psumner@kslaw.com

eadler@kslaw.com  
mbrigman@kslaw.com

Daniel E. Cummins (Bar No. 71239)  
**CUMMINS Law**  
610 Morgan Hwy  
Clarks Summit, PA 18411  
(570) 319-5899  
dancummins@cumminslaw.net

*Attorneys for Defendant Lehigh Valley Health  
Network, Inc.*

**CERTIFICATION OF NON-CONCURRENCE**

The undersigned counsel sought concurrence from Plaintiff's counsel related to the relief sought in this Motion. Plaintiff does not concur in the Motion.

/s/ Phyllis B. Sumner

Phyllis B. Sumner

**CERTIFICATE OF SERVICE**

I, Phyllis B. Sumner, hereby certify on May 5, 2023, that a true and correct copy of the foregoing Defendant Lehigh Valley Health Network, Inc.'s Motion to Dismiss Plaintiff's Complaint and all exhibits thereto, were filed electronically through the Court's CM/ECF System and were served upon all counsel of record at the e-mail address listed in the Court's database.

/s/ Phyllis B. Sumner  
Phyllis B. Sumner